

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

MAYOR AND CITY COUNCIL OF BALTIMORE,

*Plaintiff,*

v.

UNITED STATES DEPARTMENT OF HEALTH AND  
HUMAN SERVICES, *et al.*

*Defendants.*

Case No. 1:19-cv-01103-RDB

**JOINT STATUS REPORT**

On June 1, 2021, in response to the Court's April 5, 2021 Order, the parties reported that they were "considering how this case should proceed" in light of recent developments, including the Supreme Court's dismissal of the petition for certiorari in this case and the Department's proposal to rescind the rule at issue in this litigation. *See* ECF No. 127. The parties proposed to file an additional status report by June 11, 2021.

The parties have conferred and agree that further litigation of matters before this Court is unnecessary. The Court has previously dismissed Counts IV and X of Plaintiff's ten-count complaint, entered judgment for Plaintiff on Counts VII and VIII, and entered judgment for Defendants on Counts III, V, VI, and IX. *See* ECF No. 74, 93, 94. All that remains are Counts I and II, and the parties agree that these claims can now be dismissed without prejudice. Accordingly, the parties respectfully request that the Court enter a final judgment order that dismisses Counts I and II without prejudice and memorializes the Court's earlier orders dismissing

Counts IV and X without prejudice, entering final judgment for Plaintiff on Counts VII and VIII, and entering final judgment for Defendants on Counts III, V, VI, and IX.

Dated: June 11, 2021

/s/ Andrew Tutt

Andrew T. Tutt (*pro hac vice*)  
Drew A. Harker (*pro hac vice*)  
ARNOLD & PORTER  
KAYE SCHOLER LLP  
601 Massachusetts Ave., NW  
Washington, DC 20001  
(202) 942-5000  
(202) 942-5999 (fax)  
andrew.tutt@arnoldporter.com  
drew.harker@arnoldporter.com

Jane H. Lewis, Bar No. 20981  
*Assistant City Solicitor*  
CITY OF BALTIMORE  
DEPARTMENT OF LAW  
City Hall, Room 109  
100 N. Holiday Street  
Baltimore, MD 21202  
443-388-2190  
jane.lewis@baltimorecity.gov

Priscilla J. Smith (*pro hac vice*)  
Faren M. Tang (*pro hac vice*)  
REPRODUCTIVE RIGHTS &  
JUSTICE PROJECT  
YALE LAW SCHOOL  
319 Sterling Place  
Brooklyn, NY 11238  
priscilla.smith@ylsclinics.org  
127 Wall Street  
New Haven, CT  
faren.tang@ylsclinics.org

Stephanie Toti (*pro hac vice*)  
LAWYERING PROJECT  
25 Broadway, Fl. 9  
New York, NY 10004

Respectfully submitted,

BRIAN D. NETTER  
Deputy Assistant Attorney General

MICHELLE R. BENNETT  
Assistant Branch Director

/s/ R. Charlie Merritt

R. CHARLIE MERRITT  
(VA Bar No. 89400)  
BRADLEY P. HUMPHREYS  
(D.C. Br. No. 988057)  
Trial Attorneys, U.S. Department of Justice  
Civil Division, Federal Programs Branch  
1100 L Street, NW  
Washington, DC 20530  
(202) 616-8098  
robert.c.merritt@usdoj.gov  
bradley.humphreys@usdoj.gov

*Counsel for Defendants*

646-490-1083

stoti@lawyeringproject.org

*Counsel for Plaintiff Mayor and City  
Council of Baltimore*